

REMARKS

This paper is submitted in reply to the Office Action mailed August 24, 2007.

In the Office Action, claims 1-8, 10, 11 and 46-52 are listed as pending, claims 11 and 48-51 are listed as withdrawn from consideration and claims 1-8, 10, 46 and 47 are listed as rejected. On page 6 of the instant Office Action the Examiner states that claim 52 is allowed.

The Examiner has maintained the rejection of claims 1-8, 10 and 46 under 35 U.S.C. §103(a) over Calderwood et al., WO 98/41525. Applicants respectfully traverse this rejection and maintain the arguments presented in the Replies filed November 30, 2004, March 26, 2004, July 11, 2003, February 11, 2003, the RCE filed October 24, 2005, the Reply filed May 11, 2006, the Reply filed January 26, 2007, The Reply filed March 19, 2007 and the Request for Continued Examination filed May 22, 2007.

The Examiner states "[t]he reference further teaches the equivalency of the substituents, halo, hydroxyl, alkyl, etc. as these substituents are taught as alternatives on the phenyl ring...". Without conceding to the correctness of the Examiner's rejections and for the sole purpose of expediting prosecution of the instant application and to place it in condition for allowance, Applicants have amended claims 1, 3 and 6 to delete moieties taught in WO98/41525 as substituents for the phenyl ring from the list of substituents on ring A and R₃.

Without conceding to the correctness of the Examiner's rejections and for the sole purpose of expediting prosecution of the instant application and to place it in condition for allowance, Applicants have amended claim 46 to delete those species wherein the phenyl rings A or R₃ are optionally substituted by only halo. The remaining species wherein A and R₃ are phenyl are substituted by trifluoromethoxy or halo and cyano, or R₃ is not phenyl. WO 98/41525 does not teach or suggest compounds wherein the phenyl is substituted by both halo and cyano.

Based upon the foregoing, the rejection of claims 1-8, 10, 46 and 47 under 35 U.S.C. §103(a) over Calderwood et al., WO 98/41525, is obviated and should be withdrawn.

In view of the foregoing remarks, Applicants believe that claims 1-8, 10 and 46, 47 and 52 are in condition for allowance. Prompt and favorable action is earnestly solicited.

No additional claims fees are due for the instant amendment since the total number of claims after entry of the amendments hereinabove is not more than the total number of claims that Applicants have paid for to date.

If the Examiner believes that a telephone conference would advance the condition of the instant application for allowance, Applicants invite the Examiner to call Applicants' agent at the number noted below.

Respectfully submitted,

Date: October 31, 2007

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